

**REMARKS**

Claims 1-13 are pending. By this Amendment, claims 1 and 9 are amended and claims 11-13 are added.

It is requested that the Final status of the Office Action mailed on October 4, 2004 be withdrawn. This application was filed on July 30, 2003. The first Office Action on the merits was mailed on October 4, 2004. In other words, no Office Action on the merits was issued between the filing date of this application and the current outstanding Office Action.

Furthermore, a rejection was asserted in the Office Action mailed on October 4, 2004 that was never previously asserted in this application or the granted parent application. It is thus requested that the Final status be withdrawn. It is also requested that the Final status be withdrawn because Examiner Brunsman agreed during an October 21, 2004 telephone conference that the Final status was premature.

Claims 1-10 were rejected under 35 U.S.C. §102(b) over Noi et. al. (Noi), U.S. Patent No. 4,839,097. The rejection is respectfully traversed.

Noi fails to disclose a dielectric ceramic composition, wherein the dielectric ceramic composition is obtained by performing heat treatment in an atmosphere having an oxygen partial pressure of  $10^{-1}$  Pa to 10 Pa after firing in a reducing atmosphere, as recited in claims 1 and 9. By performing heat treatment in the atmosphere recited in claims 1 and 9, a dielectric ceramic composition is created in which the defective rate of initial insulation resistance can be improved (see paragraph [0057] of Applicants' specification).

Noi discloses a voltage dependent non-linear ceramic composition (col. 1, lines 10-13), wherein Nb and Ta are added as a semiconductor forming agent, i.e., a first subcomponent, (col. 2, lines 11-13). Noi fails to provide any disclosure with regard to performing heat treatment in an atmosphere having a particular oxygen partial pressure, or creating a product with the advantages associated with that heat treatment. Accordingly, Noi fails to disclose or

suggest the product provided by performing heat treatment in an atmosphere having the claimed oxygen partial pressure.

Furthermore, claims 1 and 9 are directed to a dielectric ceramic composition wherein a first subcomponent is added in order to improve the insulation resistance by firing in a reducing atmosphere. Noi is directed to a semiconductor ceramic where Nb and Ta are added as a semiconductor forming agent. Noi fails to provide any disclosure with regard to a dielectric ceramic composition formed by performing the heat treatment of claims 1 and 9.

Noi thus fails to disclose all of the features recited in claims 1 and 9, as well as the additional features recited in the dependent claims. It is respectfully requested that the rejection be withdrawn.

Claims 1-3, 5-7 and 9 were rejected under 35 U.S.C. §102(b) over JP 03-053407 (JP '407). The rejection is respectfully traversed.

JP '407 fails to disclose a dielectric ceramic composition, wherein the dielectric ceramic composition is obtained by performing heat treatment in an atmosphere having an oxygen partial pressure of  $10^{-1}$  Pa to 10 Pa after firing in a reducing atmosphere, as recited in claims 1 and 9.

JP '407 discloses a dielectric porcelain composite with a secondary component (i.e., a first subcomponent) that contains V. However, V is provided in order to improve a breakdown voltage by firing in an air atmosphere, and not a reducing atmosphere as recited in claims 1 and 9. The product created by firing in an air atmosphere in JP'407 is thus different than the dielectric ceramic composition created by firing in a reducing atmosphere, as recited in claims 1 and 9. As such, JP'407 fails to obtain the advantages associated with the product of claims 1 and 9.

JP '407 thus fails to disclose all of the features recited in claims 1 and 9, as well as the additional features recited in the dependent claims. It is respectfully requested that the rejection be withdrawn.

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 4-7, 9-12 and 23 of U.S. Patent No. 6,656,863. Attached hereto is a Terminal Disclaimer that renders this rejection moot.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below

Respectfully submitted,



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JAO:SMS/sxb

Attachment:  
Terminal Disclaimer

Date: January 4, 2005

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